

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DAMION G. DAVIS,

Plaintiff,

v.

OFFICER MILLER, *et al.*,

Defendants.

No. 1:18-CV-02286

(Chief Judge Brann)

(Chief Magistrate Judge Mehalchick)

ORDER

NOVEMBER 29, 2023

Damion G. Davis filed this second amended 42 U.S.C. § 1983 civil rights complaint alleging that several individuals violated his civil rights.¹ This matter proceeded through litigation until, on June 20, 2023, the parties agreed to settle the case. Based upon that settlement, in October 2023, Chief Magistrate Judge Karoline Mehalchick issued a Report and Recommendation recommending that this Court deny as moot all remaining motions and close this case.²

Davis filed timely objections to the Report and Recommendation asserting that, although he has received the settlement check sent by Defendants, his place of incarceration has not permitted him to deposit said check.³ He therefore asks that the case not be closed.⁴ Defendants argue that Davis' objections are meritless, as he has

¹ Doc. 56.

² Doc. 159.

³ Doc. 160.

⁴ *Id.*

received the settlement check he was promised, and nothing more needs to be done for the settlement agreement and the release of claims to take effect.⁵

“If a party objects timely to a magistrate judge’s report and recommendation, the district court must ‘make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.’”⁶ Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge’s findings or recommendations.⁷

A review of the parties’ settlement agreement, along with Davis’ admission that he has received the settlement check from Defendants, reveals that all material terms of the agreement have been satisfied, and Davis has therefore released his claims against Defendants. Consequently, upon *de novo* review of the Report and Recommendation, the Court finds no error in Chief Magistrate Judge Mehalchick’s recommendation that the remaining motions be denied as moot and the case closed. Accordingly, **IT IS HEREBY ORDERED** that:

1. Chief Magistrate Judge Karoline Mehalchick’s Report and Recommendation (Doc. 159) is **ADOPTED**;

⁵ Doc. 161.

⁶ *Equal Emp’t Opportunity Comm’n v. City of Long Branch*, 866 F.3d 93, 99 (3d Cir. 2017) (quoting 28 U.S.C. § 636(b)(1)).

⁷ 28 U.S.C. § 636(b)(1); Local Rule 72.31.

2. Davis' motions to compel (Docs. 157, 162) and to strike (Doc. 158) are
DENIED as moot; and
3. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge